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December 18, 2024

Via ECF

The Honorable Cathy Seibel
United States District Court Judge
Charles L. Brieant United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: *Patrick Sander v. City of Mount Vernon, et al.* 23-CV-6204 (CS)

Dear Judge Seibel:

As the Court is aware, the undersigned and The Quinn Law Firm PLLC represent the City of Mount Vernon defendants (“City Defendants”) in the above-referenced action. Loren Zeitler from the Westchester County Attorney’s Office represents the County of Westchester (“County”).

The City Defendants and County jointly write to the Court to respectfully request an extension of upcoming deadlines.

There are two main reasons for this request. First, to date, the City Defendants have not yet received the signed and notarized New York Criminal Procedure Law 160.50 authorization from Plaintiff, or in the alternative, a response to their letter motion seeking the same, which was filed and served on November 18, 2024. (D.E.’s 19, 20). The Court previously directed Plaintiff to provide the authorization or file a letter explaining his objection by December 5, 2024. (D.E. 21).

Second, the County’s pre-motion letter to dismiss Plaintiff’s Amended Complaint is due this Friday, December 20, 2024. The issue of whether Plaintiff is afforded an opportunity to file a Second Amended Complaint, as envisioned in the Court’s Order of Service, remains unresolved. For judicial efficiency, the County and City Defendants respectfully request an extension of all current deadlines so that all defendants are working off of the operative Complaint in this action with the same motion/response deadlines.

We thank the Court for its time and attention to this matter and should the Court require anything further then please do not hesitate to contact our office.

Respectfully submitted,

The Quinn Law Firm, PLLC

Steven Bushnell

Steven J. Bushnell, Esq.

Westchester County Department of Law

Loren Zeitler

Loren Zeitler, Esq.

CC:

Patrick Sander, *via Certified Mail*
Pro Se Plaintiff
7 Saints Josephs Terrace
Albany, NY 12210

I gave Plaintiff the opportunity to explain why he should not have to sign the New York Criminal Procedure Law 160.50 authorization, and he has not done so. For the reasons set forth by Defendants in their letter of 11/18/24 (ECF No. 19), Plaintiff has waived the protections of that statute, and he is hereby ORDERED to sign the release and provide it to counsel for Defendants no later than 12/30/24. Failure to do so may result in sanctions including dismissal or contempt.

Because the information Defendants will obtain via the release may, when provided to Plaintiff, help him identify who he wishes to sue, Defendants shall, upon receiving the release, apply for unsealing of the documents in the criminal file within five business days. Upon receipt of those documents, Defendants shall provide them to Plaintiff and notify the Court that they have done so. Plaintiff's Second Amended Complaint will be due 30 days thereafter. Assuming Plaintiff timely files his Second Amended Complaint, the Court will then order service on any new Defendants if appropriate, and all Defendants' time to respond will be extended to the date by which the last-served new Defendant must respond. If Plaintiff does not timely file a Second Amended Complaint, Defendants shall respond to the First Amended Complaint within 21 days after due date for the Second Amended Complaint.

SO ORDERED.

Cathy Seibel
CATHY SEIBEL, U.S.D.J.

12/18/24

The Clerk shall terminate ECF Nos. 19 and 23.